



American Model United Nations
General Assembly

GA/6/I/4

SUBJECT OF RESOLUTION: Criminal Accountability of United Nations Officials
and Experts on Mission

SUBMITTED TO: The General Assembly

SUBMITTED BY: Sixth Committee

The General Assembly

1 *Concerned* about the prevalence of crimes committed by United Nation Officials
2 abroad and the lack of fair and uniform prosecution,
3

4 *Deeply concerned* that the United Nation Officials and Experts on Mission are
5 able to operate with impunity, creating a negative representation of the United Nations
6 and thus decreases the effectiveness of the organization,
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8 *Bearing in mind* the four main areas of concern regarding Peace Keeping
9 Operations (PKO) violations, stated in the Zeid Report:

- 10 (a) Current rules of conduct established in all Peace Keeping Operations,
11 (b) The investigative process that occurs after the atrocities have already taken
12 place,
13 (c) The organizational, managerial, and command responsibility,
14 (d) The individual's disciplinary and criminal accountability to the Peace Keeping
15 Operation,
16

17 *Realizing* the crimes committed or attempted, during United Nation PKO's
18 include:

- 19 (a) Murder,
20 (b) Willfully causing serious injury to body or health,
21 (c) Rape and acts of sexual violence,
22 (d) Sexual offenses involving citizens whose age limit is under that of the host
23 nation,
24

25 *Noting* the criminal report from the Ad Hoc Committee (A/63/54) and their
26 conclusions in outlining the powers and limitations of the Office of Internal Oversight
27 Services (OIOS),
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29 *Reaffirming* that the United Nation Officials and Experts on Mission should
30 respect both national laws of host states and international laws as well as the importance
31 of collaboration and consensus among both legal parties involved,

32
33 *Believing* in the importance of troop-contributing countries playing the primary
34 role in the prosecution of their own nationals,

35
36 *Having considered* the comments of the Secretary-General on strengthening the
37 capacity of peace keeping operations and holding peace keepers accountable for crimes
38 committed while they are representing the United Nations, specifically the Secretary-
39 General's bulletin on Status, basic rights, and duties of the United Nations staff members
40 (ST/SGB/2002/13) and the Secretary-General Bulletin on Special Measures for protection
41 from sexual exploitation and sexual abuse (ST/SGB/2003/13),

42
43 *Recognizing* the three-pronged approach of the Conduct and Discipline Unit
44 (CDU), Special Investigation Unit (SIU), the Misconduct Tracking System (MTS), as
45 well as the Office of Internal Oversight Services (OIOS) to prevent misconduct, enforce
46 UN standards, and provide for remedial action,

47
48 *Acknowledging* the categorization system outlined in A/RES/59/287 which creates
49 two categories of misconduct for United Nations officials,

50
51 *Convinced* of the needs for the member-states to work to increase the power of the
52 United Nations to ensure criminal accountability of the United Nations officials and
53 experts abroad,

54
55 1. *Requests* the assignment of the Ombudsman Bureau, which will be called on by
56 the Personal Conduct Unit regarding violations committed by Peace Keeping Personnel
57 to:

- 58 (a) Serve independently from regional missions;
59 (b) Guarantee the United Nations' direct involvement in the investigative process.
60 This assures the following of correct procedure in such investigations;

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62 2. *Calls upon* nations contributing Peace Keeping personnel, as well as nations
63 soliciting Peace Keeping presence, to sign a peace-keeping code of conduct established
64 by the United Nations:

- 65 (a) Such code will be signed by all personnel actively participating in Peace
66 Keeping Operations;
67 (b) The code of conduct must be approved by the Security Council;
68 (c) The punishments will be specified in the code of conduct;
69 (d) All personnel, States, or Nations –including those currently engaged in PKO's,
70 refusing to sign the code of conduct, subject to review and dismissal from Peace Keeping
71 Operations;
72 (e) Past incidents shall not be considered for the use of what is currently stated;

73
74 3. *Recommends* that United Nations staff and experts on mission shall be subject
75 to the United Nations Two-Tier Internal Disciplinary System, which falls under the
76 Administration of Justice at the United Nations which consists of:

- 77 (a) The United Nations Internal Dispute Tribunal which shall be the primary organ

78 resolving disputes regarding United Nations staff and experts on missions and give
79 judicial discretion regarding any disciplinary matters to which both the host nation, state
80 of origin, and any other parties concerned are present in equal representation:
81 (i) Representatives from the host nation, the home nation and a
82 neutral third party will make up the tribunal;
83 (ii) The neutral third party must be agreed upon by the home nation
84 and the host nation;
85 (iii) If a third party is not agreed upon, the United Nations shall
86 choose the neutral third party with the help of Ombudsmen;
87 (iv) The tribunal would take place in the host country barring
88 security concerns in which case a neutral third party location would
89 be agreed upon by tribunal;
90 (b) The United Nations Internal Appeals Tribunal is an appellate tribunal that shall
91 hear cases passed on to it by the United Nations Dispute Tribunal if a decision is not
92 reached, or if the parties involved are not satisfied with the outcome, and will consist of
93 judges elected by the United Nations General Assembly.

Passed, Yes: 31 / No: 30 / Abstain: 9